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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of the Commission's Rules) CC Docket No. 94-102
To Ensure Compatibility with)
Enhanced 911 Emergency Calling Systems)

REPLY COMMENTS OF
AMERITECH MOBILE COMMUNICATIONS, INC.

Ameritech Mobile Communications, Inc. (Ameritech), by its attorneys, respectfully submits these Reply Comments concerning the "strongest signal" proposal filed by the Ad Hoc Alliance for Public Access to 911 (Alliance) on September 17, 1998 in the captioned docket.

In reviewing the record, Ameritech must conclude that the Cellular Telecommunications Industry Association (CTIA) is right. The Alliance proposal is "a solution in search of a problem."¹ And as discussed below, the proposals put forth by Bell Atlantic Mobile, Inc. (BAM) and AT&T Wireless Services, Inc. (AWS) fare no better. The Commission would make much better use of its resources by focusing on more important issues, such as limiting the liability of carriers for 911 calls, rather than addressing proposals that unreasonably burden just one CMRS service.

The BAM and AWS Proposals Unreasonably Burden
Just One CMRS Service Without Providing
Liability Limitations

In its comments, Ameritech discussed its two primary legal concerns with the Alliance's proposal. First, the imposition of

¹ CTIA Comments at 7.

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new regulations on analog cellular equipment is inconsistent with principles of regulatory parity, and inappropriate when carriers are converting to digital technology.² Second, the Alliance proposal would place increased risk on cellular carriers while not providing any limitation on their liability.³ Neither of the alternatives proposed by the commenters in this proceeding resolves these issues.

BAM's proposal would require cellular handsets to have a "911 button" to switch to another system if the voice quality on the subscriber's carrier is not satisfactory.⁴ This would require an additional button to be placed on cellular handsets, when that button would be used in only limited situations. Similar requirements would not be imposed on other CMRS providers, contrary to the Commission's regulatory parity goals. And the addition of more buttons to handsets likely would make the handsets more cumbersome to use by persons with disabilities, contrary to the requirements of Section 255 of the Communications Act of 1934, as amended. Furthermore, if problems were to arise in the transmission of the 911 call, the party who needed emergency services may attempt to hold the subscriber's carrier liable, even though the 911 button may have been pressed and the call transferred to a different system. In such situations, the

² Ameritech Comments at 2-3.

³ Id. at 3-5.

⁴ BAM Comments at 5-6.

carrier may not be able to prove that the 911 button had been pressed, yet BAM's proposal provides no liability limitation.

AWS's proposal offers no better solution. AWS suggests that analog cellular handsets be manufactured with an Automatic A/B Switch for which the signal strength threshold would be set by the cellular carrier.⁵ This proposal applies only to analog cellular handsets and not to the handsets for other CMRS services. AWS also does not propose to absolve the default carrier from liability for any errors in transmitting the call when the handset makes a decision to use the other carrier.⁶

Even if the Commission were to adopt one of the proposals suggested in this proceeding, the rules should not apply to existing cellular handsets.⁷ Otherwise, the existing inventory would become obsolete, causing inconvenience and unnecessary costs to cellular customers, and undue administrative burdens on cellular carriers.

Conclusion

In sum, the BAM and AWS proposals fail for the same reasons as the Alliance proposal. They are contrary to the principles of regulatory parity, and increase the liability of cellular

⁵ AWS Comments at 3-4.

⁶ Even CTIA, which supports the Automatic A/B Switch proposal, recognizes that uncertainty over the scope and cost of liability protection is chilling the provision of 911 service. CTIA Comments at 16.

⁷ SBC Comments at 7.

carriers while not providing any limitation on that liability. Because carrier liability for transmitting calls under the existing 911 rules has not been resolved, the Commission should focus its resources on resolving those issues instead of committing resources to narrowly focused, technological proposals that would impose greater risks on cellular carriers. Ameritech therefore reiterates its request for the Commission to deny the Alliance's proposal, and requests the Commission to deny the BAM and AWS proposals.

Respectfully submitted,

**AMERITECH MOBILE COMMUNICATIONS,
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